

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

ALSTON RAY CAMPBELL,)	
)	
Petitioner,)	
)	
vs.)	NO. CIV-08-346-D
)	
)	
JESSE SUTTER, JR., Warden,)	
)	
Respondent.)	

ORDER

Petitioner, a state prisoner appearing *pro se*, brought this action for a writ of habeas corpus pursuant to 28 U.S.C. §2254. In accordance with 28 U.S.C. § 636(b)(1)(B), the matter was referred to United States Magistrate Judge Doyle W. Argo for initial proceedings.

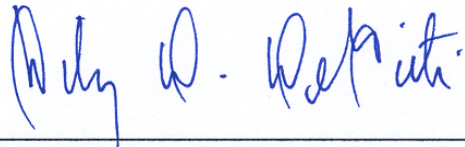
In response to the Petition, Respondent filed a motion to dismiss the action as time barred. Petitioner did not respond to that motion; however, he alleged in the Petition that the action should be considered timely. On July 14, 2008, Judge Argo filed a Report and Recommendation [Doc. No. 10] in which he recommended that the motion to dismiss be granted and that the petition be dismissed as untimely.

In the Report and Recommendation, the Magistrate Judge advised Petitioner of his right to object to same and scheduled an August 4, 2008 deadline for filing such objections. The Magistrate Judge also advised Petitioner that a failure to timely object would constitute a waiver of his right to appellate review of the factual findings and legal conclusions contained in the Report and Recommendation.

To date, Petitioner has not filed an objection and has not sought an extension of time in which to do so. The Court notes that the Report and Recommendation mailed to the last address provided by Petitioner was returned by the Postal Service as undeliverable. Pursuant to the Local Civil Rules, it is the responsibility of Petitioner to furnish to this Court a correct mailing address; all papers mailed by the Court to the last address furnished by Petitioner are deemed to have been delivered upon mailing. *See* LCvR 5.1.

Inasmuch as Petitioner has failed to object to the Report and Recommendation [Doc. No. 10], the same is adopted as though fully set forth herein. The action is dismissed as untimely.

IT IS SO ORDERED this 18th day of August, 2008.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE

